

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

DAVID K. MITSOFF,

Case No.: 3:14-cv-295

Plaintiff,

vs.

COMMISSIONER  
OF SOCIAL SECURITY,

Magistrate Judge Michael J. Newman  
(Consent Case)

Defendant.

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**ORDER AND ENTRY: (1) GRANTING THE JOINT, UNOPPOSED MOTION FOR  
REMAND (DOC. 17); (2) REVERSING THE ALJ'S NON-DISABILITY FINDING; (3)  
REMANDE**NING THIS CASE TO THE COMMISSIONER UNDER THE FOURTH  
SENTENCE OF 42 U.S.C. § 405(g) FOR FURTHER ADMINISTRATIVE  
PROCEEDINGS; (4) DIRECTING THE CLERK TO ENTER JUDGMENT IN FAVOR  
OF PLAINTIFF; AND (5) TERMINATING THIS CASE ON THE COURT'S DOCKET

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This Social Security disability benefits appeal is presently before the undersigned for disposition based upon the parties' consent. Doc. 4. The parties jointly move for an Order remanding this case for further administrative proceedings pursuant to the Fourth Sentence of 42 U.S.C. § 405(g), and for the entry of judgment pursuant to Fed. R. Civ. P. 58. Doc. 17. The parties state that remand is warranted to address the inconsistencies between consultative examiner Dr. Halmi's opinion and Plaintiff's residual functional capacity. *Id.*

For good cause shown, and because the requirements of a Sentence Four remand have been satisfied, **IT IS ORDERED THAT:** (1) the parties' joint, unopposed motion for a Sentence Four remand (doc. 17) is **GRANTED**; (2) the ALJ's non-disability finding is **REVERSED**; (3) this case is **REMANDED** to the Commissioner under the Fourth Sentence of 42 U.S.C. § 405(g) for further proceedings; and (4) this case is **TERMINATED** upon the Court's docket. The Clerk is **ORDERED** to enter judgment in favor of Plaintiff.

**IT IS SO ORDERED.**

Date: September 22, 2015

*s/Michael J. Newman*

Michael J. Newman  
United States Magistrate Judge